



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/698,152

10/31/2003

Thomas K. Oram

0813798.00013

1019

44966 7590 02/04/2010
SULLIVAN & WORCESTER LLP
1666 K Street NW
Washington, DC 20006

EXAMINER

KOYAMA, KUMIKO C

ART UNIT

PAPER NUMBER

2887

NOTIFICATION DATE

DELIVERY MODE

02/04/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@sandw.com
mdemattia@sandw.com
tdores@sandw.com

Office Action Summary	Application No. 10/698,152	Applicant(s) ORAM, THOMAS K.	
	Examiner KUMIKO C. KOYAMA	Art Unit 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-99 is/are pending in the application.
- 4a) Of the above claim(s) 19-68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 69-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response received on January 22, 2010 has been acknowledged.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 22, 2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 10-15, 69, 84-93, 94, 96 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin, Jr. et al. (US 5,471,039) in view of Keys (US 6,758,403).

Re claims 1, 5, 6, 10, 12-14, 69 and 84-93: Irwin discloses a validation of a lottery ticket 50, which is a game of chance (col 27, lines 44-45). The ticket includes a bar code (col 6, lines 40-42). The external verification machine, which is a local terminal, reads the bar code, which contains the inventory control number and the encrypted validation number data (col 27, lines

Art Unit: 2887

52-55). The validation data contains information related to the identity of the ticket, for example, the game number, pack number and ticket number (col 31, lines 25-30). The validation number and game number is stored on the bar code 428 and the validation data is read by the external verification machine 108 (col 31, lines 29-35). The external verification machine 108 transmits the data as to which play spot areas have been removed along with the validation number to the central computer 223, which is a remote terminal (col 31, lines 35-40). The central computer 223 contains the redemption or validation file which includes information corresponding to the ticket identification information for each ticket as well as a record with play indicia value data corresponding to each of the play spot areas on each ticket (col 31, lines 40-45). The central computer 223 then determines the redemption value corresponding to the matching play indicia value data and sends authorization to the external verification machine to that the redemption value can be paid (col 31, lines 50-55). The determination of the redemption value corresponding to the matching play indicia value data is a check validity program to determine whether the data is determined to be valid.

Irwin fails to teach a bar code encoded with data and a first program comprising a plurality of instructions, the plurality of instructions including a conditional instruction, and sending the data based on the encoded first program. Irwin fails to teach reading a first program comprising a plurality of instructions, and executing the program, wherein executing the program includes sending the trigger.

Keys shows an instructional bar code 310 (Fig. 3i). Keys discloses that the set of instructions to configure the program 90 within the control circuit 40 is communicated to the control circuit 40 by means of an instructional bar code 310 or a set of such bar codes (col 49,

Art Unit: 2887

lines 14-18). As shown in Fig. 2B, the instructions includes a conditional instruction, such as “IF,” and also shows a ”SEND” function for sending a trigger.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Keys to the teachings of Irwin in order to quickly instigate an actions of verification without the need to go through complicated systems by directly providing instruction on the barcode that leads to the validation program.

Re claims 2 and 11: As described above, Irwin teaches that the data is a validation number, which is an identifier associated with the ticket. A validation number is an identifier because is uniquely identifies a ticket within a game (col 30, lines 62-65).

Re claim 3: As described above, Irwin discloses that the central computer 223 then determines the redemption value corresponding to the matching play indicia value data and sends authorization to the external verification machine to that the redemption value can be paid (col 31, lines 50-55).

Re claims 4, 94, 96 and 98: As described above, Irwin discloses that the external verification machine 108 transmits the data as to which play spot areas have been removed along with the validation number to the central computer 223, which is a remote terminal (col 31, lines 35-40). The central computer 223 then determines the redemption value corresponding to the matching play indicia value data and sends authorization to the external verification machine to that the redemption value can be paid (col 31, lines 50-55).

Re claim 15: Irwin further discloses that the bar code 80 can include information regarding the value of the play indicia 74 of the ticket 50. The bar code reader 210 communicates

Art Unit: 2887

direction with the microcontroller 224 via an ANSI standard interface, such as a UART. The bar code reader 210 is a laser scanner (col 13, lines 57-64).

4. Claims 74, 78 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin in view of Keys as applied to claims 1, 10, 69 above, and further in view of Poland (US 4,825,058). The teachings of Irwin as modified by Keys have been discussed above.

Irwin as modified by Keys fails to teach interpreting the first program with an interpreter.

Poland also discloses an interpreter routine that parses that input stream from the bar code scanner, checks for syntax errors and executes the memory manipulation instructions invoked, thereby loading an input value at the accessed location (col 2, lines 57-60).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Poland to the teachings of Irwin as modified by Keys because in order to ensure that the instructions provided by the bar code can be properly executed, which avoids any erroneous operations.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin in view of Keys as applied to claim 1 above, and further in view of Saunders et al (US 6,340,331). The teachings of Irwin as modified by Keys have been discussed above.

Irwin as modified by Keys fails to teach that if the data is determined to be invalid by the check validity program, indicating that the ticket is invalid.

Saunders discloses that the microprocessor 700 waits for authorization from the gaming machine 30 or from the central computer 40 that the ticket is a correct ticket and, if correct, then delivers the cash-in value over lines 684 to the gaming machine 30 so that the player can start the game. If the amount is incorrect, then the microprocessor 700 reactivates the stepper motor 570

Art Unit: 2887

over lines 556 to cause it to move in the reverse direction to back the ticket out of the slot 430 and then issue a message in display 450 over lines 551 that the ticket is invalid. The microprocessor, the gaming machine 30 or the central computer 40 may issue an alarm for an attendant to visit the player at the gaming machine (col 7, lines 10-25).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Saunders to the teachings of Irwin as modified by Keys and issue a display message indicating that the ticket invalid so that the player is notified that the ticket cannot be redeemed and cannot receive cash, and also so that the attendant does not provide cash to the player who is not entitled to receive it.

6. Claims 8, 9, 16, 17, 18, 70 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin in view of Keys as applied to claims 1 and 10 above, and further in view of Axelrod et al (US 5,337,358). The teachings of Irwin as modified by Keys have been discussed above.

Re claims 8, 9, 16, 17, 70 and 71: Irwin as modified by Keys fails to teach that the bar code is a two-dimensional barcode and that the two-dimensional barcode is a PDF-417 format.

Axelrod discloses a barcode being a two-dimensional barcode and the two-dimensional barcode is a PDF-417 standard barcode (col 3, lines 29-35).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Axelrod to the teachings of Irwin as modified by Keys because PDF-417 is capable of storing large amounts of text and data in a secure and inexpensive manner, and therefore, such barcode format is suitable for such gaming industry necessitates large amount of data to increase security.

Art Unit: 2887

Re claim 18: Irwin further discloses that the bar code 80 can include information regarding the value of the play indicia 74 of the ticket 50. The bar code reader 210 communicates direction with the microcontroller 224 via an ANSI standard interface, such as a UART. The bar code reader 210 is a laser scanner (col 13, lines 57-64).

7. Claims 72, 73, 75-77, 79-81 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin in view of Keys as applied to claims 1 and 10 above, and further in view of Meyer et al (US 6,915,271). The teachings of Irwin as modified by Keys have been discussed above.

Irwin as modified by Keys fails to teach a Java virtual machine and a compiler configured to receive and compile the instruction.

Meyer discloses a Java Virtual Machine (col 54, line 25) and a program written in the JAVA language is compiled to a bytecode file that can run wherever the JAVA platform is present (col 54, lines 19-22). Meyer also discloses that what sets the JAVA platform apart from many other common platforms is that it sits on top of other platforms (col 54, lines 15-17). The JAVA platform is ideal for the Internet, where one program should be capable of running on any computer in the world (col 54, lines 30-33).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Meyer to the teachings of Irwin as modified by Keys because different users can utilize one program on the internet regardless of the user's computer platform due to the fact that the implementation of the Java Virtual Machine provides the capability of running a program on any platform. Such modification eliminates the need for writing one program in different languages utilizing different platforms.

Art Unit: 2887

8. Claims 95, 97 and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin in view of Keys as applied to claims 94, 96 and 98 above, and further in view of Wilz (US 6,152,369). The teachings of Irwin as modified by Keys have been discussed above.

Irwin as modified by Keys fails to teach a network address.

Wilz discloses a URL-encoded and Applet-encoded bar code symbol (col 37, line 1).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Wilz to the teachings of Irwin as modified by Keys the data and the trigger can be sent to another location with the user or the machine designating the location, and the barcode itself is capable of self-designating a sending location. Such modification ensures that the data is transmitted to the correct location while quickly processing the ticket by automating the process.

Response to Arguments

9. Applicant's arguments filed January 22, 2010 have been fully considered but they are not persuasive.

10. Applicant submits that the bar code provides instructions to configure a program and the bar code does not represent a program or that the bar code is a program. However, the Examiner respectfully disagrees because even if that the bar code provides instructions to configure a program, the bar code still remains to contain instructions, which can be considered as a program. In order to even configure a program, the bar code must contain a program with instructions to perform such configurations or even to instigate such configuration.

Art Unit: 2887

11. Furthermore, Applicant submits that the disclosure of column 49, lines 21-25 says that first, a set of data editing instructions is built using program builder 190 and then a symbol may be used to identify a selection of the particular set of data editing instructions. It appears that the Applicant reads the disclosure as the bar code having some type of pointer to a program or memory location, rather than encoding of a program. However, the Examiner respectfully disagrees that believes that the disclosure of column 49, lines 21-25 contain teaching encoding of a program. The Examiner's interpretation of the disclosure is that the a set of data editing instructions is built using program builder 190, then such built program is encoded in an instruction symbol 310. The Examiner believes that Keys's disclosure of "by means of an instructional bar code 310 or a set of such bar codes" in column 49, lines 17-18 shows that there could be multiple bar codes. If the bar code was encoded with just a pointer, then there is no necessity to have multiple bar codes due to its simplicity. However, the fact that the Keys suggests the possibility of needing plurality of bar codes implies that the bar code may have to be encoded with data that requires high in capacity, and such data is the program built by the program builder.

12. Therefore, the Examiner believes that Keys remains to read on the limitation, and the rejection is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUMIKO C. KOYAMA whose telephone number is (571)272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

Art Unit: 2887

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kumiko C. Koyama/
Primary Examiner, Art Unit 2887
January 31, 2010